

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CYNTHIA B. SCOTT, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 3:12-cv-00036-NKM
)	Sr. Judge Norman K. Moon
)	
HAROLD W. CLARKE, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	

PRE-TRIAL ORDER

This matter is before the Court by Joint Motion for Limited Discovery and a proposed Discovery Plan. The Court finds that the limited discovery proposed by the Parties is reasonable and proportional to the significance of this case, which affects the provision of health care to 1,200 women incarcerated at FCCW. It appearing that the parties have agreed to a discovery plan, it is hereby ORDERED that the case proceed on the following discovery and trial schedule:

DISCOVERY OPENS:	Date of this order
PARTIES AGREE TO A DOCUMENT PRODUCTION PROTOCOL:	30 days from this Order
INITIAL DISCLOSURES UNDER FED.R.CIV.P.26(A):	30 days from this Order
PLAINTIFFS INITIAL EXPERT DISCLOSURE:	February 15, 2018
DEFENDANTS INITIAL EXPERT DISCLOSURE:	March 1, 2018
DEADLINE TO COMPLETE DISCOVERY:	May 1, 2018
PARTIES SHALL CONDUCT SETTLEMENT TALKS AND/OR MEDIATION:	May 1-11, 2018
DEADLINE TO FILE PRETRIAL BRIEFS:	May 28, 2018
WITNESS LISTS EXCHANGED:	May 21, 2018

RULE 26(A)(3) DISCLOSURES AND
EXCHANGE OF EXHIBITS:

May 22, 2018

DEADLINE FOR COMPLETION OF
DEPOSITIONS IN LIEU OF TRIAL APPEARANCE:

May 22, 2018

MOTIONS IN LIMINE DUE:

May 28, 2018

INTEGRATED PRETRIAL ORDER DUE:

June 4, 2018

TRIAL DATE:

June 11-15, 2018

I. Discovery Plan

Subject to the following limitations, the Parties shall conduct discovery in a manner consistent with the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Western District of Virginia, and any Order entered by the Court.

Written Discovery: Each side shall be allowed fifty requests for production of documents and things (other than deposition subpoenas) and fifty requests for admission. These caps on written discovery do not apply to requests for admission for the sole purpose of authenticating documents and are not intended to limit the number of subpoenas served on non-parties pursuant to Fed. R. Civ. P. 45 to produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control. The Virginia Department of Corrections shall be considered a "party" for purposes of written discovery.

The Parties shall meet and confer within 30 days of this Order to negotiate a Protocol Governing the Production of Documents (the "Protocol"), including any electronically stored information. To the extent any issues remain unresolved after the Parties have worked toward agreement, the Parties shall ask for a telephonic hearing to address any remaining issues.

Depositions: Each side shall be allowed ten depositions, not including depositions of any experts for either side. In addition, each side shall be allowed one deposition of each of the other side's experts.

Inspection: Plaintiffs shall be allowed one inspection of the FCCW premises to inspect, measure, survey, and photograph the facility pursuant to Fed. R. Civ. P. 24(a)(2) subject to a protective order agreed by the parties.

II. Acknowledgement of Previous Production by Defendants

As stipulated by the Parties, the Defendants shall not be required to produce any documents previously produced to the Plaintiffs voluntarily.

III. Issues of Privilege

As stipulated by the Parties, inadvertent production of privileged documents shall not act as a waiver of the privilege, and such documents shall be returned to counsel for the Parties either upon discovery by counsel receiving the documents, or by counsel producing the documents.

IV. Mediation by a Magistrate

The Parties represent that they will continue to discuss the possibility of settlement or resolution of the case, including revisiting the issue of mediation by U.S. Magistrate Judge Hoppe.

It is so ORDERED.

ENTERED this _____ day of December 2017.

BY THE COURT:

JOEL C. HOPPE
UNITED STATES MAGISTRATE JUDGE

WE ASK FOR THIS:

Mary C. Bauer, VSB No. 31388
(mary@justice4all.org)
Brenda E. Castañeda, VSB No. 72809
(brenda@justice4all.org)
Angela Ciolfi, VSB No. 65337
(angela@justice4all.org)
Abigail Turner, VSB No. 74437
(abigail@justice4all.org)
Adeola Ogunkeyede (*pro hac vice*
admission pending)
(adeola@justice4all.org)
Shannon Ellis, VSB No. 89145
(shannon@justice4all.org)
LEGAL AID JUSTICE CENTER
1000 Preston Avenue, Suite A
Charlottesville, VA 22903
(434) 977-0553

and

Theodore A. Howard (*admitted pro hac vice*)
(thoward@wileyrein.com)
WILEY REIN LLP
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

and

Philip Fornaci (*pro hac vice* admission pending)
(phil_fornaci@washlaw.org)
Elliot Mincberg

D.C. PRISONERS' PROJECT OF
THE WASHINGTON LAWYERS'
COMMITTEE FOR CIVIL RIGHTS AND
URBAN AFFAIRS
11 Dupont Circle, N.W.
Suite 400
Washington, D.C. 20036
(202) 319-1000

By: /s/*Angela Ciolfi*
Attorneys for Plaintiffs

By: /s/*Diane Abato*
Diane Abato, Esq.
Senior Assistant Attorney General/Chief
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
dabato@oag.state.va.us

*Attorney for the Virginia Department of Corrections
Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December 2017, a true and correct copy of this
Proposed Pre-Trial Order was served via electronic mail upon the following:

Diane Abato, Esq.
Senior Assistant Attorney General/Chief
Office of the Attorney General
202 North 9th Street
Richmond, Virginia 23219
dabato@oag.state.va.us
Attorney for the Virginia Department of Corrections
Defendants

/s/*Angela Ciolfi*
Angela Ciolfi